IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.3985 OF 2006

Mrs.Sumitra Gurudutt Navgane .. ..Applicant

Versus

The State of Maharashtra .. ..Respondent

Mr.M.H.Solkar for applicant

Mr.S.S.Pednekar, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 22nd NOVEMBER, 2006

P.C.:

1. Heard Mr. Solkar appearing for the applicant-original accused no.2 and Shri Pednekar for the State.

2. C.R.No.109/2006 is registered by Manikpur Police Station on 25.3.2006 alleging offences of cheating, forgery and more particularly mentioned in para (1) one of

this application.

3. The applicant has been arrested on 25.3.2006 and she is in custody since then.

4. Shri Solkar submits that apart from being a woman accused all that is alleged against the applicant is that the premises which are belonging to her were occupied by one Paying-Guest, who is the co-accused and the co-accused was engaged in preparing forged and fabricated documents including Passports, Visas, College Certificates etc. The applicant has been arrested because at the relevant time a raid was conducted at the premises. The accused was found preparing documents on the machines and other articles. Shri Solkar submits that it is the co-accused who has been occupying the premises as a Paying Guest and indulging in these activities. As far as the applicant is concerned, she allowed him to occupy the premises.

5. The learned APP on the other hand submits that the applicant was actively assisting the accused no.1 in preparing the forged documents. The incriminating articles were found at her residence. She is the main person and it is false to allege that she is an innocent

victim of the activities conducted in her premises.

6. It is not disputed that the investigations are complete and charge-sheet is filed. Some of the accused have been enlarged on bail. Accused no.1 Mohd. Rizwanuddin Shaikh is detained in custody. Accused no.1 was inducted in the premises as a Paying Guest. Accused nos.3 and 4 were helping this Moh.Rizwanuddin Shaikh in fabricating the passports and visas.

8. Mr. Solkar states that the applicant was residing prior to her arrest in the premises mentioned in the cause title and would continue to reside at the same upon her release.

7. No doubt the offence is serious but the applicant being a woman accused and the investigations having been completed so also applicant having two minor sons, in the peculiar facts, the present application deserves to be granted. Hence the following order :

O R D E R :

(i) The applicant is arrested in connection with C.R.No.I-109 of 2006 registered with Manikpur Police Station shall be enlarged in the sum of Rs.20,000/= with one or two local sureties in the like amount.

(ii) The applicant shall report to Manikpur Police Station once in a week till the conclusion of the trial.

(iii) The applicant shall deposit her passport forthwith with the Manikpur Police Station and shall not leave Thane District without seeking prior permission of the trial court.

(iv) The applicant shall furnish her address to the Investigating Officer where she proposes to reside after bail and during pendency of the trial. The applicant shall not change her residence without prior permission of the Investigation Agency;

(v) The bail is granted subject to condition that the applicant shall not, directly or

indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicant shall cooperate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(ix) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)